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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/567,344	02/06/2006	Yoav Paltieli	1312PAL-US	5319	
David Klein	7590 09/24/2009 David Klein			EXAMINER	
Dekel Patent Beit I Iarofirm		ROY, BAISAKHI			
18 Menoha Venahala Street Room 27			ART UNIT	PAPER NUMBER	
Rehovot, ISRAEL				3737	
ISNAEL					
			MAIL DATE	DELIVERY MODE	
			09/24/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application No.	Applicant(s)			
		10/567,344	PALTIELI ET AL.			
		Examiner	Art Unit			
		BAISAKHI ROY	3737			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)	Responsive to communication(s) filed on 6/16/	09				
· ·	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
٥,١	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)⊠	Claim(s) 1 and 2 is/are pending in the application	on.				
•	4a) Of the above claim(s) is/are withdrawn from consideration.					
	5) Claim(s) is/are allowed.					
· · · · · · · · · · · · · · · · · · ·	6)⊠ Claim(s) <u>1 and 2</u> is/are rejected.					
7)	Claim(s) is/are objected to.					
· —	Claim(s) are subject to restriction and/or	· election requirement.				
		olocion roquironionii				
	on Papers					
•	The specification is objected to by the Examine					
10)	The drawing(s) filed on is/are: a)☐ acce					
	Applicant may not request that any objection to the	- · · ·	• •			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority ι	ınder 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some coll None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
2)  Notic 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ite			

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## **DETAILED ACTION**

## Response to Arguments

1. With respect to the 102 (b) rejection of claims 1 and 2 under Paltieli (6200279), applicant has not submitted a response to this rejection which was part of the office action mailed on 3/17/09. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions, amend or cancel the claims. Applicant must also discuss the reference applied against claims 1 and 2, explaining how the claims avoid the references or distinguish from them.

Applicant submitted a terminal disclaimer with respect to the double patenting rejection of claims 1 and 2 but claims 1 and 2 were also rejected by Paltieli (6200279) under 102(b) and cannot be overcome by a declaration or affidavit. Examiner maintains the rejection since the rejection has not been argued and claims have not been amended.

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Paltieli (6200279). Paltieli et al. discloses a method for detection of complications during labor to monitor any critical conditions such as the frequency, duration, and strength of uterine contraction and measuring cervical dilation (col. 4 lines 46-64). The steps involve touching a position sensor (PS 1-5, fig. 5) to a point on a fetal presenting

part of a fetus in a mother (col. 4 lines 18-23) and capturing a position of the position sensor and touching the position sensor to a set of points on the mother and capturing the position of the position sensor at each point (col. 4 lines 8-9) and detecting a complication.

## Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAISAKHI ROY whose telephone number is (571)272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN CASLER/ Supervisory Patent Examiner, Art Unit 3737

BR /B. R./ Examiner, Art Unit 3737